

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

National Association for the Advancement of Colored People, Inc. by and through its Myrtle Beach Branch, Samuel Jones, Leslie Stevenson, and Cedric Stevenson,

C.A. NO. 4:18-CV-00554-DCC

Plaintiffs,

v.

City of Myrtle Beach, a municipal corporation within the State of South Carolina and City of Myrtle Beach Police Department, a department of the City of Myrtle Beach,

Defendants.

**AFFIDAVIT OF POLICE
CHIEF AMY S. PROCK**

Amy S. Prock, Chief of Police for the City of Myrtle Beach, makes the following statement:

1. She is a 22-year veteran of the Myrtle Beach Police Department; she began her career as a Patrol Officer in 1996 and worked her way up through the ranks. She has served as supervisor of the Narcotics Unit, Street Crimes Unit, Regulatory Unit and Special Operations Unit, as well as a team leader of the Critical Incident Response Team. In 2014, she was appointed Captain of the Strategic Planning Division, where she was instrumental in organizing the City's Memorial Day Weekend plans. In 2017, she was appointed police chief for the City of Myrtle Beach.
2. From 1999 until 2010 traffic on flowed one way south on Ocean Boulevard during Memorial Day Weekend. In 2011, the City chose to allow traffic on Ocean Boulevard to flow in both directions on Memorial Day Weekend. Public safety issues and traffic issues began to increase with two way traffic along Ocean Boulevard. In 2013, members of the Myrtle Beach Police Department together with other law enforcement agencies approached the City Manager for the City of Myrtle Beach and requested the City return to one way traffic for memorial Day Weekend. Their request was denied.

3. In 2013, public safety issues and traffic issues continued to increase. In 2014, nine shooting incidents including three homicides occurred during Memorial Day Weekend in the areas where Ocean Boulevard is located.
4. The article that appeared in USA Today on May 26, 2014, with an embedded video is an accurate portrayal of the public safety issues that occurred in the City on Memorial Day Weekend 2014. The web address for the article and video is:
<https://www.usatoday.com/story/news/nation/2014/05/26/myrtle-veach-south-carolina-shootings-bike-rally/9596861/>
5. After the problems occurred Memorial Day Weekend 2014, an association of city mayors and Horry County leaders known as, Coastal Alliance, formed a Bikefest Task Force to address the public safety problems arising during Memorial Day Weekend. The City of Myrtle Beach, the Myrtle Beach Police Department and the Myrtle Beach Area Chamber of Commerce held a summit of public safety officials to focus on special events and problems and issues similar to the ones that arose in Myrtle Beach on Memorial Weekend. The consensus of the summit was that to improve public safety, local governments had to keep pedestrians and vehicular traffic moving at all times. The public safety officers with experience in events such as Memorial Day Weekend in the City recommended using a traffic chute to keep vehicular traffic moving during peak times of traffic.
6. During the planning sessions for the Bikefest Task Force several traffic loops were proposed by different members of the task force. The City of Myrtle Beach proposed a traffic loop that was rejected by the task force. Eventually, a traffic loop that was acceptable to all members of the Bikefest Task Force was chosen by the Bikefest Task Force and put in operation.
7. The traffic loop runs in the City of Myrtle Beach on roads controlled by the City and it runs for approximately 17 miles on roads controlled by SCDOT. The traffic loop is put into operation on Friday, Saturday, and Sunday nights of Memorial Day Weekend between the hours of 10:00 pm and 2:00 am. The traffic loop together with limited ingress and egress annually receives written approval from the South Carolina Department of Transportation which is ultimately responsible for the use of all state roads. Attached is the approval for Memorial Day Weekend 2018 by SCDOT.
8. Under the current Bike Task Force plan, the City of Myrtle Beach can close the traffic loop early if it is no longer needed.
9. The videos identified as 2014 Block Party – Balcony and 2014 Block Party accurately show conditions during Memorial Day Weekend 2014. The video entitled 2014 Shooting accurately shows conditions during the shooting where 3 people were murdered during

Memorial Day Weekend 2014. The conditions being sought through injunctive relief by the Plaintiffs in the present case are similar to the unsafe conditions that were allowed to exist during Memorial Day Weekend 2014.

10. The City of Myrtle Beach issued permits for special events for 46 events that occurred within the City of Myrtle Beach in 2017. Each event was required to have a traffic plan. Many of the events required the use of traffic control strategies similar to the ones used during Memorial Day Weekend. Those events use traffic control strategies such as jersey wall barricades, closed streets, one way traffic and increased police presence.
11. Black Bike Week is not a permitted special event because no one in the private sector or public sector sponsors any events associated with Black Bike Week. No one can predict in advance of the weekend exactly who will come to the City or what will happen during Memorial Day Weekend 2018.
12. Other weekends occur in the City which attract large crowds. Many of the same public safety and traffic control strategies used during the alleged Black Bikers Week are used for those other weekends especially during the summer weekends.
13. The City tailors its public safety and traffic control strategies to fit the special needs of each weekend. Each weekend's public safety needs are different and those public safety needs change from day to day and hour to hour. The City responds to those needs by planning, marshalling resources and keeping open the flexibility to respond on a moments notice.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.



Police Chief Amy S. Prock

March 26, 2018